

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of the amendment filed 12/27/07 wherein claims 1, 2, 5-11, 14-16, 18-21, 36-60, and 62 were canceled; claims 3, 4, 17, and 66 were amended; and claims 82-114 were added.

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Victor Repkin on 6/13/08.

The application has been amended as follows.

Please cancel claims 12 and 13.

ALLOWABLE CLAIMS

3. Claims 3, 4, 17, 22-35, 61, and 63-114 are allowable over the prior art of record. In particular, the claims are distinguished over the prior art of record because the prior art neither anticipates nor renders obvious a vesicle composition comprising an aqueous carrier, gas filled liposome comprising a phosphatidylcholine, , PEG, a peptide comprising CRGDC, and a compound having the formulae as set forth in independent claims 17, 66, and 99 of the instant invention.

COMMENTS/NOTES

4. It is duly noted in Applicant's response filed 12/27/07 that it was asserted that it was improper of the Examiner to use a prior art document that was of record, but a rejection was not made over the document until the office action mailed 10/02/07.

For clarification of the record, Applicant is respectfully reminded that there is nothing unusual, certainly, about an Examiner changing his viewpoint as the prosecution of a case progresses, and, so long as the rules of the Patent Office practice are duly complied with, an Applicant has no legal complaint because of such a change in view (*In re Becker*, 40 USPQ 624). Thus, when the Examiner re-evaluated the claims previously, the rejection set forth in the office action mailed 10/02/07 was deemed necessary and proper.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. Jones/
Primary Examiner
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June 13, 2008